

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KENAN THOMPSON,  
Plaintiff,  
v.  
CARMAX,  
Defendant.

Case No. [23-cv-01364-AMO](#)

**ORDER DISMISSING CASE FOR  
FAILURE TO PROSECUTE**

Plaintiff, proceeding *pro se*, commenced this lawsuit on March 23, 2023. ECF 1. Following an order to show cause, ECF 6, Plaintiff filed an amended complaint on April 20, 2023, ECF 7. Because the amended complaint did not cure the deficiencies identified in the order to show cause, United States Magistrate Judge Joseph C. Spero issued a report and recommendation that the amended complaint be dismissed, with leave to amend as to Claims Five through Eight and with prejudice as to Claims One through Four. ECF 12. The report and recommendation indicated that Plaintiff could “file an objection . . . no later than fourteen (14) days from the date on which he is served a copy[.]” The case was then reassigned to this Court. ECF 14. Plaintiff did not file any objection to the report and recommendation.


On May 31, 2023, this Court adopted Judge Spero’s report and recommendation, dismissed the amended complaint with prejudice as to Counts One through Four, and granted Plaintiff leave to file a second amended complaint, as to Claims Five through Eight, “no later than 28 days from the date on which he is served with a copy of th[e] Order.” ECF 17.

On August 7, 2023, the Court issued an order to show cause why this case should not be dismissed for failure to prosecute. ECF 19. Plaintiff’s response to the order to show cause was due by no later than August 31, 2023. *Id.* at 2. To date, Plaintiff has not filed a written response to the order to show cause or filed a second amended complaint. Accordingly, the Court

DISMISSES this action WITHOUT PREJUDICE for failure to prosecute. The Clerk is directed to enter final judgment against Plaintiff and close the file in this matter.

**IT IS SO ORDERED.**

Dated: September 19, 2023

  
ARACELI MARTÍNEZ-OLGUÍN  
United States District Judge

United States District Court  
Northern District of California